**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT.**

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Public Services-Transport Department-Surprise Check conducted by the ACB on the O/o Deputy Transport Commissioner, Chittoor on 29.10.2007 on the allegations of corrupt practices-Disciplinary Action initiated against Sri A.Mohan, the then Deputy Transport Commissioner, Chittoor and six(6) other officials of O/o Dy.Tr.Commr., Chittoor- Case Entrusted to Commissioner Of Inquiries(COI-P) for Detailed Enquiry-Enquiry Conducted-Enquiry Report submitted-Further action against Sri A.Mohan, Deputy Transport Commissioner, Kakinada Dropped- Orders-Issued.

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**TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT**

**G.O.RT.No. 169** **Dated: 31-03-2016**

**Read the following:**

1)From the Director-General, Anti-Corruption Bureau, A.P., Hyderabad, Letter No.79/DES-TCT/2007, Dated:01.04.2008.
2)G.O.Rt.No.292, T,R&B(Vig.III.2)Deptt., Dated:20.02.2009.
3)From Sri A.Mohan, Deputy Transport Commissioner, Chittoor, Written Statement of Defence Dated:12.03.2009.
4)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:16.04.2011.
5)G.O.Rt.No.650, T,R&B(Vig.III.2)Deptt., Dated:27.06.2012.
6)From General Administration(COI.P)Department, D.O.Letter No. 210/COI.P/2012-7, Dated:13.02.2014.
7)Govt.Memo No.5434/Vig.Tr./A2/2008-10, Dated:31.12.2014.
8)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:21.05.2015.

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**ORDER:**

In the reference first read above, the Director-General, Anti-Corruption Bureau, A.P., Hyderabad submitted his Surprise Check Report, stating that a Surprise Check was conducted by the Bureau on 29.10.2007 on the Office of Deputy Transport Commissioner, Chittoor which revealed that the Officers and staff of the said Office are committing irregularities by employing unauthorized Private Persons as Agents while discharging their official duties and thereby indulging in corruption and has, therefore, recommended Departmental Action for Major Penalty against Sri A.Mohan, Deputy Transport Commissioner, Chittoor and six others of the O/o Dy.Tr.Commr., Chittoor.

Government, after careful examination of the matter, have initiated Disciplinary Proceedings against Sri A.Mohan, Deputy Transport Commissioner, Chittoor in the reference second read above by framing articles of charges.

In the reference third above, Sri A.Mohan, Deputy Transport Commissioner, Chittoor, submitted his Written Statement of Defence, denying the charges and requesting to drop further action. In the reference fourth read above, the Transport Commissioner, A.P., has requested the Government to entrust the case to the Commissionerate Of Inquiries for conducting Departmental Enquiry under Common Proceedings, since there are limited number of Officers above the rank of Deputy Transport Commissioner and large number of Enquiries are pending with them.

In the G.O. fifth read above, orders were issued appointing Dr.Prem Chand, IAS(Retd.), Commissioner of Inquiries, General Administration Department as Inquiring Authority to conduct Detailed Inquiry into the charges framed against Sri A.Mohan, Deputy Transport Commissioner, Chittoor and six(6) other Officers and staff of O/o Dy.Tr.Commr., Chittoor.

In the reference sixth read above, the Inquiring Authority submitted his Enquiry Report, holding the charges against Sri A.Mohan, Deputy Transport Commissioner, Chittoor as PROVED.

In the reference seventh read above, a copy of the Enquiry Report was communicated to the Charged Officer, Sri A.Mohan, Deputy Transport Commissioner, for his Further Representation, if any.

Sri A.Mohan, Deputy Transport Commissioner, Kakinada submitted his Further Representation Dated:06.04.2015 received through the reference eighth read above, wherein, at the outset, while denying the charges in toto, he has represented that perusal of the Report of the Learned Inquiring Authority revealed that the Learned Inquiring Authority erred in appreciating the Evidence adduced during the Enquiry in right perspective; that the Learned Inquiring Authority held the Charge against him as Proved basing on assumptions and surmises but not on any acceptable Evidence and that the Report of the Learned Inquiring Authority is not based on the weight of the evidence adduced during the Enquiry; that, therefore, the Enquiry Report is liable to be rejected., that perusal of Analysis of Evidence and Assessment revealed that the Learned Inquiring Authority concluded that there were Ten(10) Private Agents present in the Office of the Dy. Tr. Commr., Chittoor basing on the Evidence of the ACB, that, as seen from the Evidence on record, not even an iota of evidence was adduced during the Inquiry to conclude that the said Ten(10) persons acted as Agents; further, the

Observation of the Learned Inquiring Authority that steps were not taken to prevent the entry of erstwhile Agents does not merit any consideration since the Agent System was abolished as long back as 2001 and himself and other staff were working at Chittoor since recently only, further even the entry of a known erstwhile Agent cannot be restricted unless he indulges in any corrupt acts and he has a right to enter the Deputy Transport Commissioner Office on any work relating to him., that further, the Analysis and Assessment of Evidence by the Learned Inquiring Authority is based entirely on the assumption that the Ten(10) Private Persons were Agents; that, as already explained, even an iota of Evidence was not adduced to show that the said 10 Persons acted as Agents or indulged in corrupt activities; that there is no Evidence on record to sustain any of the Averments against him; that further, the Government was pleased to drop further action against Officers of the rank of Deputy Transport Commissioner who faced similar allegations basing on the Surprise Checks conducted by the Anti-Corruption Bureau Officials in the recent past, and has, therefore, requested the Govt. to drop further action against him in the interest of justice.

Government have examined the entire issue carefully. Government have observed that "Deputy Transport Commissioner is a District Level Officer and overall supervision lapse may not have greater significance, as compared to Dy.Tr.Commr's effective implementation of Motor Vehicle Act, Road Safety Measures and increasing revenue from Rs.47.00 Crores in Financial Year 2006-2007 to Rs.54.00 Crores in Financial Year 2007-2008 during his tenure, especially in 3 State Border areas District of Chittoor with 66 Mandals, 10 Offices, 3 Check Posts and State's largest number of Inter-State Vehicles entry in the District. The Deputy Transport Commissioner, being the District Head of the Department, with multifarious duties and Responsibilities including executive functions, he may not concentrate every hour, about movement of Private Persons/Agents in the Office and the Lower Officer has to check their movements. Further no illegal amount was recovered from the Officer. The Deputy Transport Commissioner will be busy in Office Administration and various activities in the Department for the entire District and answerable to District Collector, Transport Commissioner and also the Government every day and he may not be able to distinguish entry of Private Persons and the genuine public who come to the Office for Registrations, Licenses, Renewals, etc. Hence, attributing supervisory lapse on the part of Deputy Transport Commissioner may not be reasonable".

Government, after careful examination of the matter, have decided to consider the plea of Sri A.Mohan, Deputy Transport Commissioner, Kakinada keeping in view of the circumstances stated in his Further Representation Dated:06.04.2015 and to drop further action against him.

Accordingly, further action against Sri A.Mohan, Deputy Transport Commissioner, Kakinada is hereby dropped.

The Transport Commissioner, A.P., Hyderabad shall take further action in the matter accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**B.SAM BOB,**
**SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
Sri A.Mohan, Deputy Transport Commissioner, Kakinada **THROUGH** the Transport Commissioner, A.P., Hyderabad.
The Transport Commissioner, A.P., Hyderabad.

Copy to:
1)The Director-General, Anti-Corruption Bureau, A.P., Hyderabad.
2)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
3)The General Administration(COI.P)Department, for information.
4)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER